

## **REMARKS/ARGUMENTS**

### **The Rejections Under 35 USC § 102**

The rejection under 35 U.S.C. § 102 is moot following the amendments above. Amendments are made to the element L<sup>1</sup> when phenyl distinguish Becker. The remaining elements have not been amended to overcome Becker.

### **The First Rejection Under 35 USC § 103**

The amendment to the element L<sup>1</sup> when phenyl renders the rejection based on Minami moot.

### **The First Rejection Under 35 USC § 103**

Many of the claims were rejected as allegedly unpatentable over Widdowson.

The claims define subject matter which is patentably unobvious in view of Widdowson. An element of the compounds defined in claim 2 has been incorporated into the independent compound claims, except new claim 27. This element specifies that the pKa of the compound of formula I is greater than 10. The reference clearly teaches that the R<sub>2</sub> group has a functional moiety that provides an ionizable hydrogen having a pKa of 10 or less. See page 20, last two lines. One skilled in the art would not be motivated to eliminate such a group from the compounds of Widdowson. Therefore, the compounds of the amended claims and the claims which depend thereon are unobvious. Additionally, applicants add a new independent claim 27 which does not recite this feature, but in which the M-L<sup>1</sup> group is located in the R<sup>3-5</sup> positions on the phenyl ring corresponding to L<sup>1</sup>. The corresponding -X<sub>1</sub>R<sub>2</sub> group of the reference is located in the corresponding R<sup>6</sup> position of the present claims. There is no direction to motivate one skilled in the art to modify the structure (position) of the urea compounds disclosed by Widdowson to arrive at the claimed invention.

With respect to the allegations over the method claims, the reference does not teach or suggest that the disclosed compounds are suitable for the treatment of cancerous cell growth mediated by raf kinase. The reference does not mention inhibition of raf kinase or cancer. Instead it teaches that the compounds are suitable in treating a chemokine mediated disease. See page 20, line 13. These diseases are associated with Il-8, Gro $\alpha$ , Rto $\beta$ , Groy and NAP-2. See

page 1, lines 36-37. Specific diseases are listed in claim 12, none of which is cancer or cancerous cell growth.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



---

Csaba Hentér, Reg. No. 50,908  
Richard J. Traverso, Reg. No. 30,595  
Attorney/Agents for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: BAYER-6P1

Date: March 31, 2004

K:\Bayer\6 P1\Reply March 04.doc